

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARA EDWARDS,

Plaintiff,

v.

SCRIPPS MEDIA, INC., d/b/a
WXYZ-TV, a Foreign Profit Corporation,

Defendant.

Case No: 18-10735

Hon. Paul D. Borman

Magistrate Judge:
Elizabeth A. Stafford

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**JOINT MOTION FOR CLARIFICATION OF THE COURT'S
JUNE 17, 2019 ORDER DENYING "PLAINTIFF'S OBJECTION TO
MAGISTRATE'S ORDER (D.E. 47) DENYING PLAINTIFF'S
MOTION TO COMPEL COMPARATOR EVIDENCE AND
INCORPORATED MEMORANDUM OF LAW" (ECF #78)**

On June 17, 2019, the Court entered an Order (ECF No. 132) denying Plaintiff's Objection (ECF No. 78). In the Order, the Court stated:

Plaintiff's objections were due on November 29, 2018. Plaintiff did not file the instant objection until January 4, 2019 – 36 days after the Opinion and Order, and 22 days after an objection was due. Accordingly, the Court DENIES Plaintiff's untimely objections to the Magistrate Judge's Order of November 15, 2018, that clearly and cogently denied Plaintiff's request for "comparator" evidence. ECF #47, Nov. 15, 2018, PgID 1617-18."

However, on November 29, 2018, Plaintiff had filed a motion (ECF No. 55) to extend the time to file objections to the Court's November 15, 2018 order. The Court granted that order on December 11, 2018 (ECF No. 63), holding that both parties would have an extension of time to file objections until "two weeks after the Magistrate Judge issues an Opinion and Order in connection with the December 20, 2018 hearing." Judge Stafford issued her opinion and order related to the December 20, 2018 hearing on December 21, 2019 (ECF No. 72). Plaintiff filed her Objection two weeks later, on January 4, 2019 (ECF No. 78). Defendant thus did not challenge Plaintiff's January 4, 2019 objections as untimely.

The parties conferred upon receiving the Court's June 17, 2019 order, and while they agree with respect to the timeliness issue, they disagree with the intended scope of the Court's June 17, 2019 order otherwise. The Plaintiff understands the Court's Order to have denied the objection solely on the timeliness issue, without addressing the merits of Plaintiff's objection. Defendant understands

the Court's Order to have also rejected Plaintiff's objection on the merits, insofar as the Order also states that Judge Stafford's November 15, 2018 Order "clearly and cogently denied Plaintiff's request for 'comparator' evidence." ECF No. 132, PgID 4093. The parties jointly request that the Court clarify whether its June 17, 2019 order denying Plaintiff's objection was based solely on timeliness grounds, or whether the denial was also based on the merits. If the former, the parties request that the Court resolve the merits issue.

The above is jointly submitted by:

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Dated: June 21, 2019

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Dated: June 21, 2019